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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,684	11/17/2003	Hidefumi Yoshida	2803.66230	5374

7590 11/09/2005

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EXAMINER

PARKER, KENNETH

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,684

Applicant(s)

YOSHIDA ET AL.

Examiner

Kenneth A. Parker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Clerc EP 0538796 in view of Wei et al "Wide viewing Angle Polymer Stabilized Homeotropically Aligned (PSHA).

The Clerc reference shows claim 12-13 including a liquid crystal cell comprising a pair of substrates 13 and 15 and a liquid crystal layer 14 arranged between the pair of substrates; first and second polarizers 1,7 arranged on either side of the liquid crystal cell; a first retardation plate 2 arranged between the liquid crystal cell and the first polarizer and a second retardation plate 6, 9 (22 and 26 in prior art figure 4, which also meets the claimed limitations as a primary reference embodiment) arranged between the liquid crystal cell and the second polarizer, each of the first and second retardation plates having an optical axis in a plane parallel to the surfaces of the substrates and a retardation of substantially $\frac{1}{4}$ (see column 6, lines 44-55 which indicate a retardation of $\frac{1}{4}$ wave, the optical axis of the first retardation plate being perpendicular to the optical axis of the second retardation plate (see cover figure- ne of 9 or no of 6), the first and second polarizers having polarizing axes arranged at an angle of 45 with respect to the optical axes of the first and second retardation plates (also see figure), however lacking from the disclosure is the and the liquid crystal having a coexistence of a resin or a polymer network (taken as the same thing as a polymer is a hardened resin). The secondary reference indicates that a device of the same type as the primary reference

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can be aligned stably and made fast by using a polymer network, (see page 1, right column second paragraph) which must effect the pretilt of each molecule in the various areas. As rubbing was known to be a problem, the avoidance of rubbing would have been recognized as a considerable benefit, and speed was known as a benefit itself. The secondary reference is evidence that ordinary workers in the art would find a reason, suggestion or motivation to polymer (resin), thereby producing two domains..

Response to Arguments

Applicant's arguments with respect to secondary reference cannot be combined with the primary. Applicant argues that showing an example which is different (the polarizer angles) is an express teaching away, however an example that shows crossed polarizers vs parallel doesn't teach away unless it expressly discusses the undesirability of one configuration. The two configurations parallel vs crossed were well known functionally equivalent alternative whether one wanted normally white or normally black, and evidence of this is in the references Kashnow 3914022 and Hirose 5229873. Further, a different reference by Clerc has been applied which meets the crossed polarizers. Further applicant argues the fact that the references can be combined doesn't mean one of ordinary skill would have been motivated to do so. This is not agreed with, as a clear motivation was present. Further, the secondary reference says to use compensators, but doesn't say how to configure them. The Clerc reference

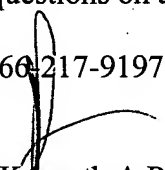
shows how, and the combination can equally be viewed in reverse. Even further, the secondary reference is essentially an improvement on the multidomain slit invented by Clerc, and often discussed as being used with the compensators of Clerc, of which the primary reference is an example.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A. Parker whose telephone number is 571-272-2298. The examiner can normally be reached on M-F 10:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth A Parker
Primary Examiner
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